

RETURN DATE: JUNE 23, 2020 : SUPERIOR COURT

KRISTINE CASEY, d/b/a CASEY'S
IRISH PUB, and BLACK SHEEP
ENTERPRISE, LLC : JUDICIAL DISTRICT OF NEW HAVEN

VS. : AT NEW HAVEN

GOVERNOR NED LAMONT : JUNE 4, 2020

VERIFIED COMPLAINT

FIRST COUNT (TEMPORARY AND PERMANENT INJUNCTION)

1. Plaintiff Kristine Casey ("Casey") is a resident of Milford, Connecticut, doing business as Casey's Irish Pub at 2019 Bridgeport Avenue, Milford, Connecticut (the "Pub").
2. Casey is the sole member and manager of Plaintiff Black Sheep Enterprise, LLC ("Black Sheep"), a Connecticut limited liability company having its principal place of business at 2019 Bridgeport Avenue, Milford, Connecticut.
3. Casey is the permittee of the café liquor permit for the Pub, No. LCA.0007367, issued effective June 1, 2019, with an expiration date of September 30, 2020, and Black Sheep is the lessee of the premises at 2019 Bridgeport Avenue, Milford, Connecticut and the backer of the café liquor permit.
4. The Defendant, Ned Lamont, is the Governor of the State of Connecticut.
5. The Pub is a classic small neighborhood bar with a "Cheers" atmosphere, where Casey began working 15 years ago and which she has owned and operated for the last 8 years.
6. The Pub has 15 stools at the bar, and there are 2 high-top tables with seats for 2 at each one, and a pool table, with a maximum occupancy allowed of 59.

a. The Pub is staffed by 3 employees and it serves a typical pub menu, including such fare as burgers, wings, fries, corned beef and cabbage, etc.

b. About 10 percent of the Pub's business is in food and 90 percent is in beer and other alcoholic beverages.

c. The Pub usually operates at not more than 50 percent capacity, and typically serves about 10 patrons at a time.

d. The Pub is not a tourist attraction, but a neighborhood bar frequented by a small nucleus of regular customers.

e. The Pub sits at the end of a strip of stores which includes a laundromat, a Middle Eastern restaurant and hookah lounge, a pizza place, a hair salon, a nail salon, a book store, a frame shop, a Chinese restaurant, a tattoo parlor and an estate sale store, all of which share a parking lot. A photo of the Pub taken from Google Maps is filed herewith and incorporated herein as Exhibit A.

7. On March 10, 2020, in a letter addressed to the Connecticut Secretary of the State, the Clerk of the State House of Representatives and the Clerk of the State Senate, Connecticut Governor Ned Lamont (the "Governor"), expressly acting pursuant to C.G.S. §§ 19a-131a and 28-9, declared a public health emergency and proclaimed a civil preparedness emergency throughout the state, to remain in effect through September 9, 2020 unless terminated earlier by him. The declaration and proclamation stated that the Governor was acting "[i]n response to the global pandemic of COVID 19 disease", and concluded with the statement, "Orders regarding additional measures to protect public health and safety, including suspension or modification of specific

statutes, will follow as I determine to be necessary." A copy of the declaration is filed herewith and incorporated herein as Exhibit B.

8. Since March 10, 2020, and as recently as June 2, 2020, the Governor has issued 49 executive orders for the purpose of protecting public health and safety.

9. Among these, by Executive Order No. 7D issued on March 16, 2020, the Governor ordered, in part:

Effective at 8 p.m. on March 16, 2020 and through April 30, 2020, unless earlier modified, extended, or terminated by me, ... any location licensed for on-premise [sic] consumption of alcoholic liquor in the State of Connecticut ... shall only serve food or non-alcoholic beverages for off-premises consumption.

A copy of Executive Order No. 7D is filed herewith and incorporated herein as Exhibit C.

10. By Executive Order No. 7G issued on March 19, 2020, the Governor modified Executive Order No. 7D, effective at 12:00 p.m. on March 20, 2020, as follows:

Any business with an active restaurant, café or tavern liquor permit issued by the Department of Consumer Protection shall be permitted to sell sealed containers of alcoholic liquor for pick up at such restaurant, café or tavern under the following conditions: (i) the sale shall accompany a pick-up order of food prepared on the premises; (ii) the type of alcoholic liquor sold for off-premise consumption shall be the same as what the permit type would have permitted for on-premise consumption prior to Executive Order 7D, and (iii) the hours of such sales that include alcoholic liquor as part of the take-out order shall be the same as those for a package store. Delivery of alcoholic liquor by licensees with these permit types is not permitted.

A copy of Executive Order No. 7G is filed herewith and incorporated herein as Exhibit D.

11. By Executive Order No. 7N issued on March 26, 2020, the Governor further modified Executive Order No. 7D, in part, ordering:

Where reasonably practicable, restaurants, eating establishments, and any bars that remain open for sales of food for off-premise [sic]

consumption, shall limit entrance of customers into their locations to the minimum extent necessary to pick up and/or pay for orders, use touchless payment systems, and require remote ordering and payment, whether by telephone, computer, mobile application, or other technology.

A copy of Executive Order No. 7N is filed herewith and incorporated herein as Exhibit E.

12. By Executive Order No. 7T issued on April 2, 2020, the Governor modified

Executive Order No. 7G, in part:

to additionally permit holders of the following alcoholic liquor permits to deliver directly to consumers any sealed alcoholic liquor under the same conditions as Executive Order No. 7G permitted for pick-up and off-premise [sic] consumption sales: Restaurant, Café, Tavern, Manufacturer Permit, Manufacturer Permit for Beer, Manufacturer Permit for Farm Winery, Manufacturer Permit for Farm Brewery, Manufacturer Permit for a Brew Pub, Manufacturer Permit for Beer and Brew Pub, Manufacturer Permit for a Farm Distillery.

A copy of Executive Order No. 7T is filed herewith and incorporated herein as Exhibit F.

13. By Executive Order No. 7MM issued on May 12, 2020, the Governor modified, in

part, the restrictions of Executive Order Nos. 7G and 7T to permit, under limited

circumstances, outdoor dining:

at any location where food or beverages are served or goods are sold, as applicable, subject to review and approval by the Local Enforcement Official and reasonable conditions imposed through Local Enforcement Official review, ... provided further than [sic] nothing in this Order shall permit the sale of alcoholic beverages for on-premise [sic] consumption independent of sale of food, or permit the operation of outdoor bars unless expressly permitted by further executive order or by rules or guidelines issued by the Department of Community and Economic Development pursuant to an executive order.

Title 30 of the Connecticut General Statutes, including Sections 30-22(a) and 30-22a(a), and any corresponding regulations or practices such as the requirement to file a patio or extension of use permit with the

Department of Consumer Protection, are modified to the extent they conflict with, or create additional requirements on, the sale of alcoholic liquor by a liquor licensee so long as such licensee is (i) in compliance with Section 2 of this order and any executive order permitting outdoor dining; (ii) any rules for outdoor dining, including social distancing requirements, issued by the Department of Economic and Community Development (DECD); and (iii) any town or municipal requirements related to outdoor dining and liquor sales, as amended by Section 2 of this order. ... Alcoholic liquor may be served only in connection with outdoor dining, which means food prepared on premises or at a food truck adjacent to the premises. ... There shall be no consumer bars, and all alcoholic beverages shall be served tableside."

A copy of Executive Order No. 7MM is filed herewith and incorporated herein as Exhibit G.

14. Right outside the door of the Pub is a sidewalk which abuts a parking lot where there are 3 or 4 striped parking spaces immediately adjoining the sidewalk. There are no bollards protecting the sidewalk or the front of the pub from the cars. As a result, although 2 or possibly 3 socially-distanced tables (i.e., tables at which the seats are situated at least 6 feet apart) could fit on the sidewalk in front of the pub, there would be room for a seat only on 2 ends of each table, with no room to sit on the storefront side or the parking lot side.

15. Outdoor service is not a viable option physically because the tables would completely block the sidewalk and there would be no protection from cars approaching to park, and fiscally because not enough customers could be served. Any extension of seating into the parking lot would be unsafe to customers and it would be imprudent to risk both the danger and the liability.

16. Preparing takeout meals and sealed alcoholic beverages for off-premises consumption is not a viable option either, as Casey knows from her experience in

operating the Pub and dealing with her customer base that without the pub atmosphere, there would be insufficient interest from her clientele to justify the expense of providing such service. In addition, the Plaintiffs' insurance coverage is for liability for on-premises service of alcoholic beverages only, and the risks involved and the increased premiums for additional insurance coverage, even if it could be obtained, make the sale of alcoholic beverages for off-premises consumption not viable.

17. The Pub has been shut down since 8:00 p.m. on March 16, 2020 in compliance with the Governor's Executive Order No. 7D. Black Sheep continues to pay the rent of \$3,200 per month and Casey continues to incur expenses totaling approximately \$14,000 per month, while no income is being generated to pay those expenses. In addition, as a result of having no income, Casey has been unable to keep current with numerous financial obligations related to the Pub, including a credit card, a business loan, an auto loan, sales tax, state and federal withholding tax and unemployment tax, social security and medicare taxes, the electric bill, the gas bill, and debts owed to liquor distributors.

18. Casey is hemorrhaging personal savings and borrowing from her father to try to stay afloat. She has not been able to secure any loans through the Small Business Administration. She is fast running out of funds and the shutdown forced upon her by the Governor's executive orders will put her out of business if it continues much longer, causing the Plaintiffs irreparable harm.

19. The powers of the Governor are derived from Article IV of the Connecticut constitution, which does not include any express power to issue executive orders.¹
20. Distinct from executive power, the legislative power of the state is vested in the state House of Representatives and the state Senate in Article III of the Connecticut constitution.
21. The powers of the Governor and the powers of the legislature are separate under Article II of the Connecticut constitution.
22. The legislature may not delegate its lawmaking power to the Governor.
23. The legislature does not have the power to create gubernatorial powers which are not conferred upon the governor by the state constitution.
24. It is the legislature, not the Governor, which has the power under the Connecticut constitution to protect the public health and the public safety by enacting legislation.
25. C.G.S. § 19a-131a on which the Governor expressly relied to issue his executive orders does not authorize him to issue the executive orders in issue in this case.
26. C.G.S. § 28-9 on which the Governor expressly relied to issue his executive orders does not empower him to issue the executive orders in issue in this case.
27. To the extent that C.G.S. § 28-9(b)(1) purports to authorize the Governor to modify and suspend statutes, it violates the Connecticut constitution's separation of powers and is unconstitutional.

¹ With respect to this and other allegations of law, rather than fact, contained in this Verified Complaint, the Plaintiffs are herewith filing a detailed memorandum of law.

28. As the Plaintiffs face the loss of their business due to the Governor's executive orders which he lacks the authority to issue under the Connecticut constitution, the Plaintiffs have no adequate remedy at law.

29. The balancing of the equities in the situation described herein favors the granting of injunctive relief to the Plaintiff to prevent the Governor from causing irreparable injury to the Plaintiff.

30. The Plaintiffs are likely to prevail on the merits given the demonstrated lack of authority under the state constitution for the Governor to issue the executive orders which have pushed the Plaintiff's business to the brink of extinction.

31. Weighing the irreparable business consequences faced by the Plaintiffs and the unconstitutionality of the Governor's executive orders, against the Governor's interest in ruling unlawfully by fiat instead of allowing the legislature to perform its constitutional duty to legislate, the balance of equities tips decidedly in favor of the Plaintiffs.

Accordingly, the Governor ought to be temporarily and permanently enjoined from enforcing Executive Order Nos. 7D, 7G, 7N, 7T and 7MM.

SECOND COUNT (DECLARATORY JUDGMENT)

1 - 31. Paragraphs 1 - 31 of the First Count are hereby made paragraphs 1 - 31 of the Second Count.

32. There is uncertainty as to the rights or other jural relations of the Plaintiffs and the Governor with respect to the power of the Governor to issue the executive orders at issue in this case as they affect the Plaintiffs, and there is a bona fide and substantial

question or issue in dispute or substantial uncertainty of legal relations which require settlement between the parties.

WHEREFORE, the Plaintiffs claim:

1. a temporary and permanent injunction prohibiting and restraining the Governor from enforcing Executive Order Nos. 7D, 7G, 7N, 7T and 7MM;
2. a declaratory judgment declaring the Governor's Executive Order Nos. 7D, 7G, 7N, 7T and 7MM unconstitutional under the state constitution;
3. the costs of this action;
4. such other and further relief to which the Plaintiff may be entitled at law or in equity.

The Plaintiffs, KRISTINE CASEY, d/b/a
CASEY'S IRISH PUB, and BLACK
SHEEP ENTERPRISE, LLC

By: 

Jonathan J. Klein
Juris Number 305638
60 Lyon Terrace
Bridgeport, Connecticut 06604
(203) 330-1900
Its Attorney

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GOVERNOR NED LAMONT : JUNE 4, 2020

OATH

STATE OF CONNECTICUT)
) ss.: Milford
COUNTY OF NEW HAVEN)


I have read the foregoing Complaint and, to the best of my knowledge, belief and recollection, factual allegations contained therein are true and accurate.

Dated at Ansonia, Connecticut, this 4th day of June, 2020.



Kristine Casey

Personally appeared Kristine Casey, a Plaintiff in the above-captioned action, and made oath to the truth of the matters contained in the foregoing Complaint before me.



Viviana Rivera
Notary Public
My commission expires: 3-31-2025



EXHIBIT A



March 10, 2020

The Honorable Denise Merrill
Secretary of the State
State Capitol Hartford, CT 06106

Frederick J. Jortner
Clerk of the State House of Representatives
State Capitol
Hartford, CT 06016

Michael Jefferson
Clerk of the State Senate
State Capitol
Hartford, CT 06016

RE: Declaration of Public Health and Civil Preparedness Emergencies

Dear Secretary Merrill and Clerks of the General Assembly:

In response to the global pandemic of COVID-19 disease associated with a novel coronavirus that is currently affecting multiple countries and states and has resulted in the spread of infections in Connecticut and surrounding states, as well as resulting shortages of personal protective equipment and other supplies that could jeopardize public safety and civil preparedness, and in order to provide me and other appropriate officials with all authorities necessary to limit the spread of the COVID-19 coronavirus and protect public safety within the State of Connecticut, I hereby declare a public health emergency and civil preparedness emergency throughout the State, pursuant to Sections 19a-131a and 28-9 of the Connecticut General Statutes. Such public health emergency and civil preparedness emergency shall remain in effect through September 9th, 2020, unless terminated earlier by me.

Specifically, in accordance with Connecticut General Statutes Section 19a-131a (f), I hereby authorize and direct the Commissioner of Public Health to delegate the powers regarding isolation or quarantine to municipal and district directors of public health. Municipalities, local

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EXHIBIT B

health officials, and local education officials are directed to follow previously issued guidance and apply relevant principles of risk management to decisions about whether to cancel, modify, or postpone large gatherings, public events, or travel.

Orders regarding additional measures to protect public health and safety, including suspension or modification of specific statutes, will follow as I determine to be necessary.

I am filing this declaration with you under my hand and seal on this 10th day of March 2020.



N. Lamont
Ned Lamont
Governor

2:25 p.m.
TIME

STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 7D

**PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC
AND RESPONSE – CROWD REDUCTION AND SOCIAL DISTANCING**

WHEREAS, on March 10, 2020, I issued declarations of public health and civil preparedness emergencies, proclaiming a state of emergency throughout the State of Connecticut as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed spread in Connecticut; and

WHEREAS, my Executive Order No. 7, dated March 12, 2020, among other things, prohibited gatherings of 250 people or more for social and recreational activities, including but not limited to, community, civic, leisure, and sporting events; parades; concerts; festivals; movie screenings; plays or performances; conventions; and similar activities, and suspended various statutes and regulations to protect public health and safety; and

WHEREAS, my Executive Order No. 7A, dated March 13, 2020, authorized the Commissioner of Public Health to restrict entrance into nursing homes and similar facilities to protect people who are most vulnerable to COVID-19; and

WHEREAS, my Executive Order No. 7B, dated March 14, 2020, among other things, modified in-person open meetings requirements, waived certain rules to mitigate the critical shortage of hand sanitizer and personal protective equipment (PPE), maintain and increase the availability of childcare, and provide for increased healthcare resources and facilities; and

WHEREAS, my Executive Order 7C, dated March 15, 2020, among other things, cancelled classes in public schools for at least two weeks, provided for closure and remote conduct of business at Department of Motor Vehicle branches, extended deadlines for municipal budget preparations, and suspended or modified laws and regulations governing health care data and visitation at certain health care and congregate care settings; and

WHEREAS, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, the World Health Organization has declared the COVID-19 outbreak a pandemic; and

EXHIBIT C

WHEREAS, the risk of severe illness and death from COVID-19 appears to be higher for individuals who are 60 years of age or older and for those who have chronic health conditions; and

WHEREAS, to reduce spread of COVID-19, the United States Centers for Disease Control and Prevention and the Connecticut Department of Public Health recommend implementation of community mitigation strategies to increase containment of the virus and to slow transmission of the virus, including cancellation of gatherings of fifty people or more and social distancing in smaller gatherings; and

WHEREAS, the Commissioner of the Department of Public Health has added COVID-19 to the list of reportable diseases under Section 19a-215 of the Connecticut General Statutes; and


WHEREAS, Connecticut is coordinating with other states to develop consistent strategies to mitigate the spread of COVID-19 infections throughout the state and region;

NOW, THEREFORE, I, NED LAMONT, Governor of the State of Connecticut, by virtue of the authority vested in me by the Constitution and the laws of the State of Connecticut, do hereby **ORDER AND DIRECT**:

1. Further Reduction of Large Crowds. Effective immediately, and through April 30, 2020, unless earlier modified, extended, or terminated by me, the prior order set forth in Executive Order No. 7 prohibiting social and recreational gatherings of 250 people or more is hereby amended and modified to require that all such gatherings of 50 or more people, including but not limited to, community, civic, leisure, or sporting events; parades; concerts; festivals; plays or live performances; conventions; and similar activities, as well as religious, spiritual or worship gatherings of such size, are prohibited throughout the State of Connecticut.
2. Limits on Restaurant, Bar and Private Club Operations. Effective at 8 p.m. on March 16, 2020 and through April 30, 2020, unless earlier modified, extended, or terminated by me, any restaurant or eating establishment and any location licensed for on-premise consumption of alcoholic liquor in the State of Connecticut, except for Class III and Class II Tribal Gaming enterprises, shall only serve food or non-alcoholic beverages for off-premises consumption. The Governor continues to work with the state's federally recognized tribes on the temporary closure of their casino operations and, if necessary, reserves the right to address on-premises consumption of alcoholic beverages on tribal lands in a future Executive Order.
3. Closure of Off-Track Betting Facility Operations. Effective at 8 p.m. on March 16, 2020 and through April 30, 2020, unless earlier modified, extended, or terminated by me, any facility authorized to conduct off-track betting shall cease on-site operations.

4. Restriction on Gym, Sports, Fitness and Recreation Facility and Movie Theater Operations. Effective at 8 p.m. on March 16, 2020 and through April 30, 2020, unless earlier modified, extended, or terminated by me, any indoor gym, fitness center, or similar facility or studio offering in-person fitness, sporting or recreational opportunities or instructions, and all movie theaters shall cease all operations.

Dated at Hartford, Connecticut, this 16th day of March, 2020.


Ned Lamont
Governor

By His Excellency's Command


Denise W. Merrill
Secretary of the State



STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 7G

PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC
AND RESPONSE -- PRESIDENTIAL PRIMARY POSTPONEMENT AND
ADDITIONAL PUBLIC HEALTH MEASURES

WHEREAS, on March 10, 2020, I issued declarations of public health and civil preparedness emergencies, proclaiming a state of emergency throughout the State of Connecticut as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed spread in Connecticut; and

WHEREAS, my Executive Order No. 7, dated March 12, 2020, among other things, prohibited gatherings of 250 people or more for social and recreational activities, including but not limited to, community, civic, leisure, and sporting events; parades; concerts; festivals; movie screenings; plays or performances; conventions; and similar activities, and suspended various statutes and regulations to protect public health and safety; and

WHEREAS, my Executive Order No. 7A, dated March 13, 2020, authorized the Commissioner of Public Health to restrict entrance into nursing homes and similar facilities to protect people who are most vulnerable to COVID-19; and

WHEREAS, my Executive Order No. 7B, dated March 14, 2020, among other things, modified in-person open meetings requirements, waived certain rules to mitigate the critical shortage of hand sanitizer and personal protective equipment (PPE), maintain and increase the availability of childcare, and provide for increased healthcare resources and facilities; and

WHEREAS, my Executive Order No. 7C, dated March 15, 2020, among other things, cancelled classes in public schools for at least two weeks, provided for closure and remote conduct of business at Department of Motor Vehicle branches, extended deadlines for municipal budget preparations, and suspended or modified laws and regulations governing health care data and visitation at certain health care and congregate care settings; and

WHEREAS, my Executive Order No. 7D, dated March 16, 2020, restricted social and recreational gatherings of all types to fewer than 50 people, closed bars and restaurants to all service except food and non-alcoholic beverage takeout and delivery, closed gyms, fitness centers and movie theaters, and prohibited on-site operations at off-track betting facilities; and

EXHIBIT D

WHEREAS, my Executive Order No. 7E, dated March 17, 2020, among other things, waived the requirement for an 180-day school year, suspended fingerprinting availability to that for critical requirements, extended the duration of various licenses and permits under the authority of the Commissioner of Emergency Services and public protection, and suspended certain requirements for recoupment of overpayment and hearings conducted by the Department of Social Services; and

WHEREAS, my Executive Order No. 7F, dated March 18, 2020, ordered the closure of Large Shopping Malls, the closure of places of public amusement except public parks and open recreation areas, expanded Medicaid telehealth coverage, waived in-person service, hearing, and screening requirements for certain Probate Court proceedings in vulnerable group care settings, and clarified my order cancelling school classes; and

WHEREAS, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, the World Health Organization has declared the COVID-19 outbreak a pandemic; and

WHEREAS, the risk of severe illness and death from COVID-19 appears to be higher for individuals who are 60 years of age or older and for those who have chronic health conditions; and

WHEREAS, to reduce spread of COVID-19, the United States Centers for Disease Control and Prevention and the Connecticut Department of Public Health recommend implementation of community mitigation strategies to increase containment of the virus and to slow transmission of the virus, including cancellation of gatherings of fifty people or more and social distancing in smaller gatherings; and

WHEREAS, healthcare providers providing services to patients and those with Medical coverage, need flexibility in testing, diagnosis and treatment while supporting adequate social distancing measures, and to provide healthcare services during the course of the COVID-19 pandemic through the increased utilization of the delivery of health care or other health services through certain modes of telehealth service; and

WHEREAS, subsection (a)(11) of Section 19a-906 of the Connecticut General Statutes provides, in part, that “telehealth” does not include, in part, the use of audio-only telephone as a mode of delivering health care or health services via information and communication technologies to facilitate the diagnosis, consultation and treatment, education, care management and self-management of a patient’s physical and mental health; and

WHEREAS, subsection (a)(12) of Section 19a-906 of the Connecticut General Statutes provides, in part, that a “telehealth provider” means health care providers specifically licensed pursuant to the Connecticut General Statutes governing those health care professions; and

WHEREAS, subsection (f) of Section 19a-906 provides, in part, that the provision of telehealth services and health records maintained and disclosed as part of a telehealth interaction shall comply with the provisions of the Health Insurance Portability and Accountability Act of 1996 P.L. 104-191, as amended from time to time; and

WHEREAS, an in-person visit to investigate a report that an elderly person allegedly is being, or has been, abused, neglected exploited or abandoned, or is in need of protective services, is likely to increase the risk of transmission of COVID-19; and

WHEREAS, if COVID-19 is transmitted to an elderly person, there is a high risk of serious illness or mortality; and

WHEREAS, the Department of Social Services ("DSS") can fulfill its statutory obligation to investigate such reports without making an in-person visit of the elderly person by using alternative means of communication; and

WHEREAS, DSS staff may be reduced as a result of illness or the need to self-isolate due to COVID-19, and may need additional time to disclose the results of its investigation of such reports; and

WHEREAS, attendance at public proceedings is likely to increase the risk of transmission of COVID-19; and

WHEREAS, in consultation with the Chief Court Administrator on behalf of the Chief Justice of the Supreme Court and the Judicial Branch, I have determined that there exists a compelling state interest that courts conduct only essential business in order to minimize the spread of COVID-19; and

WHEREAS, there is a compelling interest in reducing the risk of transmission of COVID-19 among voters, poll workers, and residents, which risk would be heightened in the settings of indoor polling places and potential lines for voting, especially in polling places such as senior centers, schools, community centers, and other public facilities;

NOW, THEREFORE, I, NED LAMONT, Governor of the State of Connecticut, by virtue of the authority vested in me by the Constitution and the laws of the State of Connecticut, do hereby **ORDER AND DIRECT**:

- 1. Postponement of Presidential Primary to June 2.** Under my sole authority pursuant to the declaration of public health and civil preparedness emergency, and to protect the health and safety of voters, poll workers, and the most vulnerable members of our population, I hereby modify Section 9-464 of the Connecticut General Statutes to provide that on June 2, 2020 each party shall conduct a primary in each town if the names of two or more candidates for President of the United States are to be placed on such party's ballot in accordance with the provisions of chapter 154 of the General Statutes.
- 2. Suspension of Non-Critical Court Operations and Associated Requirements.** Notwithstanding any provision of the Connecticut General Statutes or of any regulation, local rule or other provision of law, I hereby suspend, for the duration of this public health and civil preparedness emergency, unless earlier modified or terminated by me, all statutory (1) location or venue requirements; (2) time requirements, statutes of limitation or

other limitations or deadlines relating to service of process, court proceedings or court filings; and (3) all time requirements or deadlines related to the Supreme, Appellate and Superior courts or their judicial officials to issue notices, hold court, hear matters and/or render decisions including, but not limited to, the following:

- a. All time limitations in Chapters 959, 959a, 960 and 961 of the General Statutes including, but not limited to, C.G.S. § 54-1g concerning the time of arraignments
 - b. and C.G.S. § 54-82m concerning the right to a speedy trial;
 - c. All time limitations for rendering judgments in civil actions provided in C.G.S. § 51-183b;
 - d. All time limitations concerning civil process, service and return provided in Chapter 896 of the General Statutes;
 - e. All statutes of limitations provided in Chapter 926 of the General Statutes;
 - f. All time limitations concerning the automatic review of terms of probation provided in C.G.S. § 53a-29(g);
 - g. All time constraints for the filing of administrative appeals provided in C.G.S. § 4-183;
 - h. All time limitations concerning hearings and rulings pertaining to primary and election disputes provided in Chapter 149 of the General Statutes;
 - i. All time limitations in Title 46b of the General Statutes including, but not limited to, family, juvenile and child support matters;
 - j. All venue and filing requirements including, but not limited to, C.G.S. §§ 51-345, 51-348, 51-352 and 51-353, provided in Chapter 890 of the General Statutes;
 - k. The times and places for the sitting of the Superior Court provided in C.G.S. § 51-181;
 - l. The notice of sessions provided in C.G.S. § 51-182;
3. **Further Clarification of Limits on Restaurants, Bars and Private Clubs.** Effective at 12:00 p.m. on March 20, 2020, Executive Order 7D, which, among other things, restricted sales of alcoholic beverages by certain licensees, is modified as follows: Any business with an active restaurant, café or tavern liquor permit issued by the Department of Consumer Protection shall be permitted to sell sealed containers of alcoholic liquor for pick up at such restaurant, café or tavern under the following conditions: (i) the sale shall accompany a pick-up order of food prepared on the premises; (ii) the type of alcoholic liquor sold for off-premise consumption shall be the same as what the permit type would have permitted for on-premise consumption prior to Executive Order 7D, and (iii) the hours of such sales that include alcoholic liquor as part of the take-out order shall be the same as those for a package store.

Delivery of alcoholic liquor by licensees with these permit types is not permitted. In addition:

- a. Any business whose liquor permit allows for the manufacture of alcoholic liquor, in addition to sales for on-premise and off-premise consumption, shall be permitted to sell sealed bottles of alcoholic liquor for off-premise consumption in a manner consistent with their manufacturer permit. Delivery of alcoholic liquor by these permit types is not permitted.
- b. The Commissioner of Consumer Protection may issue any implementing orders and guidance that she deems necessary to implement this order.

4. Restriction on Operation of Barbershops, Hair Salons, Tattoo or Piercing Parlors and Related Public Businesses. Throughout the State, effective at 8:00 p.m. on March 20, 2020, the rendering of services by barbers, hairdressers and cosmeticians, nail technicians, electrologists, estheticians, eyelash technicians, and tattoo and piercing providers is prohibited in all public settings including, but not limited to, barbershops, beauty shops, hairdressing salons, nail salons, spas, kiosks, and tattoo or piercing establishments. The Commissioner of Public Health may issue any order she deems necessary to implement or modify such prohibition without further order from me.

5. Flexibility for Medicaid Enrolled Providers and In-Network Providers for Commercial Fully Insured Health Insurance to Perform Telehealth Through Additional Methods. The provisions of Section 19a-906 of the Connecticut General Statutes and any associated regulations, rules and policies regarding the delivery of telehealth are modified or suspended as follows:

- a. Subsection (a)(11)'s definition of "telehealth" is modified such that for telehealth providers that are Medicaid enrolled providers providing covered telehealth services to established patients who are Medicaid recipients, or telehealth providers that are in-network providers for commercial fully insured health insurance providing covered telehealth services to patients with whom there is an existing provider-patient relationship, these providers may engage in telehealth through the use of audio-only telephone;
- b. Subsection (a)(12)'s requirements for the licensure, certification or registration of telehealth providers shall be suspended for such telehealth providers that are Medicaid enrolled providers or in-network providers for commercial fully insured health insurance providing telehealth services to patients, in accordance with any related orders issued by the Commissioner of Public Health pursuant to her established authority as a result of this declared public health and civil preparedness

emergency and in accordance with Sections 19a-131a, 19a-131j and 28-9.

- c. Subsection (f)'s requirements that the provision of telehealth services and health records maintained and disclosed as part of a telehealth interaction shall comply with the provisions of the Health Insurance Portability and Accountability Act of 1996 P.L. 104-191, as amended from time to time (HIPAA), is modified to permit telehealth providers that are Medicaid enrolled providers or in-network providers for commercial fully insured health insurance providing telehealth services to patients to utilize additional information and communication technologies consistent and in accordance with any direction, modification or revision of requirements for HIPAA compliance as related to telehealth remote communications as directed by the United States Department of Health and Human Services, Office of Civil Rights during the COVID-19 pandemic.
 - d. Notwithstanding paragraphs a through c herein, a provider who elects to provide telehealth services for a patient who is not a Medicaid beneficiary or covered by a fully-insured commercial plan, may engage in "telehealth" services as defined in such paragraphs for such patient, provided that any provider engaging in telehealth services under this section must, prior to engaging in such services, determine whether a patient is covered by a health plan other than Medicaid or a fully-insured commercial plan, and whether such plan provides coverage for such telehealth services. A provider who receives payment under such health plan shall not bill a patient for any additional charges beyond the reimbursement received under such health plan. A provider who determines that payment is not available under another such health plan or who determines a patient is uninsured, shall accept as reimbursement for that service as payment in full, the amount that Medicare reimburses for such service, provided that if the provider determines that the patient is uninsured or otherwise unable to pay for such services, the provider shall offer financial assistance, if such provider is otherwise required to provide financial assistance under state or federal law.
 - e. Any related regulatory requirement that such telehealth services be provided from a provider's licensed facility is hereby waived.
6. **Temporary Suspension of In-Person Investigative Visits Regarding Reports of Elder Abuse.** Section 17b-452 is modified to provide the Commissioner of Social Services with authority to waive the required in-person visit to an elderly person in connection with investigation of a report of suspected abuse, neglect, exploitation or abandonment, or a need for protective

services, and, if possible and appropriate, use alternative means to conduct such in-person visit.

7. **Extension of Time for Disclosure of Investigation Results.** Section 17b-452 of the Connecticut General Statutes is modified to provide the Commissioner of Social Services with authority to extend by up to ninety (90) days the requirement that the Commissioner of Social Services, not later than forty-five (45) days after completing an investigation, disclose, in general terms, the result of the investigation to the person or persons who reported the suspected abuse, neglect, exploitation or abandonment or a need for protective services.

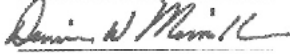
Unless otherwise specified herein, this order shall take effect immediately and shall remain in effect for the duration of the public health and civil preparedness emergency, unless earlier modified by me.

Dated at Hartford, Connecticut, this 19th day of March, 2020.

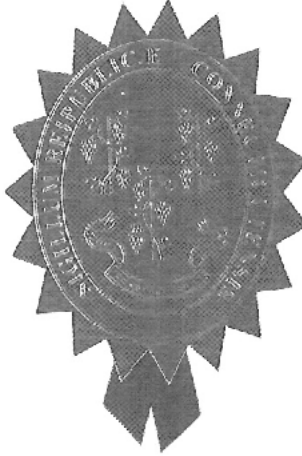


Ned Lamont
Governor

By His Excellency's Command



Denise W. Merrill
Secretary of the State



STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 7N

**PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC
AND RESPONSE – INCREASED DISTANCING, EXPANDED FAMILY ASSISTANCE,
AND ACADEMIC ASSESSMENT SUSPENSION**

WHEREAS, on March 10, 2020, I issued declarations of public health and civil preparedness emergencies, proclaiming a state of emergency throughout the State of Connecticut as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed spread in Connecticut; and

WHEREAS, my Executive Order No. 7, dated March 12, 2020, among other things, prohibited gatherings of 250 people or more for social and recreational activities, including but not limited to, community, civic, leisure, and sporting events; parades; concerts; festivals; movie screenings; plays or performances; conventions; and similar activities, and suspended various statutes and regulations to protect public health and safety; and

WHEREAS, my Executive Order No. 7A, dated March 13, 2020, authorized the Commissioner of Public Health to restrict entrance into nursing homes and similar facilities to protect people who are most vulnerable to COVID-19; and

WHEREAS, my Executive Order No. 7B, dated March 14, 2020, among other things, modified in-person open meetings requirements, waived certain rules to mitigate the critical shortage of hand sanitizer and personal protective equipment (PPE), maintain and increase the availability of childcare, and provide for increased healthcare resources and facilities; and

WHEREAS, my Executive Order No. 7C, dated March 15, 2020, among other things, cancelled classes in public schools for at least two weeks, provided for closure and remote conduct of business at Department of Motor Vehicle branches, extended deadlines for municipal budget preparations, and suspended or modified laws and regulations governing health care data and visitation at certain health care and congregate care settings; and

WHEREAS, my Executive Order No. 7D, dated March 16, 2020, restricted social and recreational gatherings of all types to fewer than 50 people, closed bars and restaurants to all service except food and non-alcoholic beverage takeout and delivery, closed gyms, fitness centers and movie theaters, and prohibited on-site operations at off-track betting facilities; and

WHEREAS, my Executive Order No. 7E, dated March 17, 2020, among other things, waived the requirement for an 180-day school year, limited fingerprinting availability to that for critical

EXHIBIT E

requirements, extended the duration of various licenses and permits under the authority of the Commissioner of Emergency Services and public protection, and suspended certain requirements for recoupment of overpayment and hearings conducted by the Department of Social Services; and

WHEREAS, my Executive Order No. 7F, dated March 18, 2020, ordered the closure of Large Shopping Malls, the closure of places of public amusement except public parks and open recreation areas, expanded Medicaid telehealth coverage, waived in-person service, hearing, and screening requirements for certain Probate Court proceedings in vulnerable group care settings, and clarified my order cancelling school classes; and

WHEREAS, my Executive Order No. 7G, dated March 19, 2020, ordered the postponement of the presidential primary, suspended non-critical court operations, expanded the availability of telehealth services, and enacted additional public health measures; and

WHEREAS, my Executive Order No. 7H, dated March 20, 2020, limited the workplace operations of non-essential businesses, and on-profit, created a process to designate those that are essential, and provided for consistency across the state in governmental response to the COVID-19 pandemic; and

WHEREAS, my Executive Order No. 7I, dated March 21, 2020, among other things, granted various forms of financial relief to recipients of public health and economic assistance, enacted measures to protect the health of children in the care of the Department of Children and Families, and enacted a series of measures to allow municipalities and their administrative bodies to conduct essential business while reducing the risk of COVID-19 transmission; and

WHEREAS, my Executive Order No. 7J, dated March 22, 2020, among other things, expanded the availability of temporary retired workers to fill critical staffing needs, provided authority to expedite acquisition and leasing of property to meet emergency response needs, and clarified restrictions on the operations of non-essential businesses; and

WHEREAS, my Executive Order No. 7K, dated March 23, 2020, among other things, suspended non-critical operations of the Probate Court and the Workers' Compensation Commission, authorized remote notarization, and provided the Commissioner of Public Health with additional authority to expedite the public health response to the COVID-19 pandemic; and

WHEREAS, my Executive Order No. 7L, dated March 24, 2020, among other things, extended the cancellation of public school classes through April 20, 2020, opened fishing season early to provide a safe recreational activity during this period of limited availability of other options, provided for continued availability of medical marijuana for patients with debilitating conditions, eased the ability for certain patients to transfer between nursing homes, and provided for increased availability of vital records services; and

WHEREAS, my Executive Order No. 7M, dated March 25, 2020, preserved the rights of the public in certain proceedings under the Connecticut Freedom of Information Act and authorized commissioners of state agencies to suspend or modify administrative deadlines and other requirements of Chapter 54 of the Connecticut General Statutes and other agency-specific administrative requirements; and

WHEREAS, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, the World Health Organization has declared the COVID-19 outbreak a pandemic; and

WHEREAS, the risk of severe illness and death from COVID-19 appears to be higher for individuals who are 60 years of age or older and for those who have chronic health conditions; and

WHEREAS, to reduce spread of COVID-19, the United States Centers for Disease Control and Prevention and the Connecticut Department of Public Health recommend implementation of community mitigation strategies to increase containment of the virus and to slow transmission of the virus, including cancellation of gatherings of ten people or more and social distancing in smaller gatherings; and

WHEREAS, confirmed COVID-19 infections and resulting hospitalizations have increased significantly in recent days, at the same time that residents of areas with high infection rates have arrived in Connecticut, creating a need to enact further mandatory distancing measures to limit the rate of spread of the disease; and

WHEREAS, Public Act 19-117, codified as Section 22a-246a of the 2020 Supplement to the Connecticut General Statutes, in order to reduce waste and litter and their resulting harm to the quality of the environment and waters of the State of Connecticut and associated environmental costs, imposed a 10-cent-per-bag tax on single-use plastic checkout bags at various retail and other establishments; and

WHEREAS, while the Connecticut Department of Public Health has examined this issue and found that existing precautions, including frequent handwashing for at least 20 seconds or use of alcohol based sanitizer, avoiding touching the face with unwashed hands, and routine cleaning of public spaces and frequently handled items will greatly reduce the risk of COVID-19 transmission for workers in high volume retail settings, many employees of retail establishments have expressed concern about the handling of such bags; and

WHEREAS, retail and especially grocery and restaurant workers are making a critical contribution to keeping food readily available to the public during this public health and civil preparedness emergency, their continued contribution is essential to the state's ability to enact appropriate distancing measures, and their concerns are respected; and

WHEREAS, Connecticut law mandates annual statewide assessments to measure student achievement and to determine school accountability, in addition to the federal testing requirements which were waived by the U.S. Department of Education on March 20, 2020 for the full state; and

WHEREAS, in light of the major disruption caused by the cancellation of classes statewide in Connecticut, on March 20, 2020, the Connecticut State Department of Education secured a federal waiver for the 2019-20 school year from (i) all state-mandated assessments in all grades and subjects; and (ii) district/school accountability measures under the Every Student Succeeds Act; and

WHEREAS, demand for firearms and ammunition since the declaration of this public health and civil preparedness emergency has increased dramatically, for example with 19,943 firearms purchase or transfer authorizations completed in March 2020 so far compared to 12,572 in all of March 2019, resulting in difficulty for dealers in transmitting authorization requests, larger than normal lines and crowds, and significant burdens on the staff and systems who process such requests, compromising their ability to process the requests and perform other critical emergency services and public safety duties; and

WHEREAS, upon a proclamation that a civil preparedness emergency exists, section 28-9(b) of the Connecticut General Statutes authorizes the modification or suspension in whole or in part by executive order of any statute or regulation or requirement or part thereof that conflicts with the efficient and expeditious execution of civil preparedness functions or the protection of public health;

NOW, THEREFORE, I, NED LAMONT, Governor of the State of Connecticut, by virtue of the authority vested in me by the Constitution and the laws of the State of Connecticut, do hereby **ORDER AND DIRECT**:

1. **Restriction of Social and Recreational Gatherings to No More Than 5 People.** Effective immediately, and through April 30, 2020, unless earlier modified, extended, or terminated by me, the prior order set forth in Executive Order No. 7D, prohibiting social and recreational gatherings of 50 people or more, is hereby amended and modified to require that all such gatherings of six (6) or more people, including but not limited to, community, civic, leisure, or sporting events; parades; concerts; festivals; plays or live performances; conventions; and similar activities, are prohibited throughout the State of Connecticut, except that religious, spiritual or worship gatherings shall not be subject to such increased restrictions, and shall instead remain subject to the prohibition on gatherings of 50 or more people, provided that they employ reasonable and appropriate distancing measures. To further clarify this order, it does not apply to government operations, private workplaces, retail establishments, or other activities that are not social or recreational gatherings.
2. **Restrictions on Restaurant Payment and Pickup Operations.** Where reasonably practicable, restaurants, eating establishments, and any bars that remain open for sales of food for off-premise consumption, shall limit entrance of customers into their locations to the minimum extent necessary to pick up and/or pay for orders, use touchless payment systems, and require remote ordering and payment, whether by telephone, computer, mobile application, or other technology. Nothing in this order shall require any such business to acquire or use ordering or payment technology that they do not already possess, prohibit drive-through ordering and pickup, or prohibit in-person payment or cash payment where there is no reasonable alternative. Previously issued guidance for hospital and business cafeterias remains in effect.

3. **Further Restrictions on Retail Operations.** Any retail establishment that has been allowed to remain open and permit customers inside such establishment during this public health and civil preparedness emergency shall take appropriate and reasonable measures to ensure customers maintain six feet of distance between each other, and to manage any resulting lines to maintain such distance while people are waiting to enter, and where reasonably practical, employ touchless payment technology if they already have such technology available.
 - a. **Firearms Transactions by Appointment Only.** Effective immediately and through May 15, 2020, unless earlier modified, extended, or terminated by me, because the nature of certain regulated retail transactions, including purchase, sale, and transfer of firearms, ammunition, and their components or supplies, requires the customer's presence inside the business to accommodate certain parts of those transactions or associated background check processes, and in order to limit person-to-person contact as much as possible and manage the large increase in requests for authorizations for such transactions and the resulting burdens on the communications technology and public safety staff responsible for reviewing and providing such authorizations, any firearms dealer shall conduct all such transactions by appointment only, shall limit such appointments to a number that will maintain a distance of six feet between any customers and/or staff in a store, including customers and staff conducting such transactions, and shall allow entrance into their establishments only to those customers conducting such transactions.
4. **Temporary Suspension of Tax on Single-Use Checkout Bags.** All provisions of Section 355 of Public Act 19-117, as codified in Section 22a-246a of the 2020 Supplement to the Connecticut General Statutes, regarding single-use plastic checkout bags, are temporarily suspended through May 15, 2020, unless earlier modified, extended, or terminated by me. The Commissioner of Revenue Services shall issue any implementing order he deems necessary, and any guidance for businesses on accounting or other necessary measures during this temporary suspension.
5. **Employees Not Required to Bag Items in Reusable Bags.** Effective immediately and through May 15, 2020, unless earlier modified, extended, or terminated by me, no employer in a retail establishment shall require any employee to bag any item in a customer-provided reusable bag, provided that nothing in this order shall prohibit customers who wish to use such reusable

bags from doing so; such customers shall bag their own items where the employee of the retail establishment declines to do so.

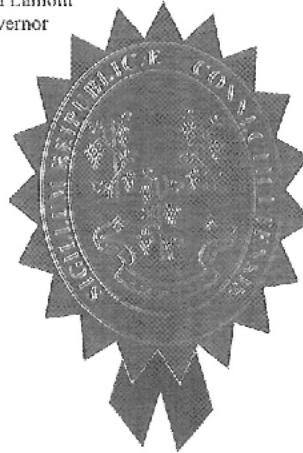
6. **Suspension of 21-month Limit on Temporary Family Assistance.** Section 17b-112 of the Connecticut General Statutes and any implementing regulations are modified to exclude from the statutory 21-month time limit on receipt of Temporary Family Assistance all months of such assistance received during the public health and civil preparedness emergency.
7. **Suspension of School Testing Assessments for 2019-20 School Year.** The provisions of Section 10-14n of the Connecticut General Statutes related to the administration of all state summative and alternate assessments; Section 10-14t, related to the administration of universal screening reading assessment for students in Grades K-3; and Section 10-265g, related to the administration of reading assessments in priority districts at the end of the school year, are hereby suspended for the 2019-20 school year. Any associated regulations, rules, and policies regarding statewide assessments are modified to authorize the Commissioner of Education to temporarily waive any requirements contained therein as he deems necessary to respond to the effects of the COVID-19 pandemic.

Unless otherwise specified herein, this order shall take effect immediately and shall remain in effect for the duration of the public health and civil preparedness emergency, unless earlier modified or terminated by me.

Dated at Hartford, Connecticut, this 26th day of March, 2020.



Ned Lamont
Governor



By His Excellency's Command



Denise W. Merrill
Secretary of the State

STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 7T

**PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC
AND RESPONSE – SAFE LODGING, LIQUOR DELIVERY, ADDITIONAL
FLEXIBILITY FOR VICTIMS OF DOMESTIC VIOLENCE, OTHER MEASURES**

WHEREAS, on March 10, 2020, I issued a declaration of public health and civil preparedness emergencies, proclaiming a state of emergency throughout the State of Connecticut as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed spread in Connecticut; and

WHEREAS, pursuant to such declaration, I have issued seventeen (17) executive orders to suspend or modify statutes and to take other actions necessary to protect public health and safety and to mitigate the effects of the COVID-19 pandemic; and

WHEREAS, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, the World Health Organization has declared the COVID-19 outbreak a pandemic; and

WHEREAS, the risk of severe illness and death from COVID-19 appears to be higher for individuals who are 60 years of age or older and for those who have chronic health conditions; and

WHEREAS, to reduce the spread of COVID-19, the United States Centers for Disease Control and Prevention and the Connecticut Department of Public Health recommend implementation of community mitigation strategies to increase containment of the virus and to slow transmission of the virus, including cancellation of gatherings of ten people or more and social distancing in smaller gatherings; and

WHEREAS, it is imperative to take aggressive mitigation measures to slow the spread of COVID-19 within our State and region and one such measure, as reflected in my prior Executive Order Nos. 7H and 7J, restricting the operations of non-essential businesses, and the Domestic Travel Advisory recently issued by the Centers for Disease Control, is to ensure that people stay home and avoid unnecessary travel or temporary lodging for vacation or leisure purposes; and

WHEREAS, to encourage social distancing and protect public health and safety, my Executive Order Nos. 7D and 7G, closed bars and restaurants to all on-premise service of food and beverages; and

EXHIBIT F

WHEREAS, home delivery of products by additional liquor permittees can reduce the need for customers to leave their homes and thereby increase the effectiveness of efforts to limit transmission of COVID-19, while allowing safe conduct of certain economic activity; and

WHEREAS, the Connecticut Recovery Bridge Loan Program is meant to provide timely financial assistance to small businesses affected by the COVID-19 pandemic through a streamlined and easily understandable application process that can be submitted with minimal delay; and

WHEREAS, the existing requirement for a notarized affidavit to certify compliance with certain nondiscrimination provisions of state law may introduce unnecessary delay to the application process and increase the risk of transmission of COVID-19 if an applicant is unable to complete the certification through remote notarization; and

WHEREAS, ongoing child care operations are necessary to support the essential workforce, and child care providers must be stabilized through the duration of the emergency to ensure the maintenance of an adequate child care infrastructure; and

WHEREAS, the Commissioner of Social Services seeks to increase rates paid to various providers, including nursing facilities, intermediate care facilities for the intellectually disabled and residential care homes, over the current rate in effect, by 10% in recognition of the extraordinary costs related to the COVID-19; and

WHEREAS, permitting such facilities and homes to obtain a rate rehearing and contest the increased rate would create a significant administrative burden on the Department of Social Services during a time where prioritization of time and resources is critical to protecting public health and safety; and

WHEREAS, in order to reduce administrative burdens and protect the state from increased costs beyond those necessary to pay the temporary rate increase, it is necessary to suspend providers' rights to appeal the overall magnitude and methodology temporary rate increases that are paid in response to COVID-19; and

WHEREAS, certain documents require the in-person services of a Notary Public or Commissioner of the Superior Court and such interactions should be avoided to the maximum extent possible in order to promote social distancing and the mitigation of the spread of the COVID-19; and

WHEREAS, attendance at public proceedings is likely to increase the risk of transmission of COVID-19; and

WHEREAS, in consultation with the Chief Court Administrator on behalf of the Chief Justice of the Supreme Court and the Judicial Branch, I have determined that there exists a compelling state interest that courts conduct only essential business in order to minimize the spread of COVID-19;

NOW, THEREFORE, I, NED LAMONT, Governor of the State of Connecticut, by virtue of the authority vested in me by the Constitution and the laws of the State of Connecticut, do hereby **ORDER AND DIRECT**:

1. **Provision of Non-Essential Lodging Prohibited.** Notwithstanding any provision of the Connecticut General Statutes or of any regulation, rule, policy, procedure, charter, or ordinance, the following restrictions shall apply to all hotels, motels, inns, bed and breakfasts, and short-term residential rentals including those arranged through on-line hosting platforms such as Airbnb or VRBO (collectively, as defined below, "lodgings"). Pursuant to my authority under Section 28-9 of the Connecticut General Statutes, and in accordance with the terms of Executive Order No. 7H, and notwithstanding the provisions of Section 28-8(a), this order shall supersede and preempt any local order, rule, or emergency order.

a. **Lodging Definition.** For the purposes of this order, "lodging" shall mean the provision of overnight accommodations by commercial transaction in any of the following categories:

- i. Bed and breakfast establishments
- ii. Bed and breakfast homes
- iii. Hotels
- iv. Motels
- v. Lodging houses rented for a period of 31 days or fewer
- vi. Professionally managed units rented for a period of 31 days or fewer
- vii. Short-term rentals (including Airbnb, VRBO and similar rental properties) rented for a period of 31 days or fewer
- viii. Resorts
- ix. Inns
- x. Timeshares

b. **Permissible Lodging.** The provision of lodging shall be permitted only when offered and employed for the following uses:

- i. Housing and accommodation for health care workers, first responders, and other workers who work for an Essential Business pursuant to Executive Order No. 7H and implementing guidance issued by the Department of Economic and Community Development (DECD).
- ii. To the extent not already included in (a), housing and accommodation for out-of-state workers engaged in transportation of materials, logistics, and construction associated with the delivery of health-related services, such as the development of COVID-19 alternative care sites, testing facilities, or research.
- iii. Housing and accommodation for members of vulnerable populations, including but not limited to emergency shelter for people experiencing homelessness and victims of domestic violence, and persons returning from incarceration.
- iv. Housing and accommodation for Connecticut residents (i) who are self-isolating or are subject to a quarantine order; and (ii)

families or roommates of such individuals who are self-isolating or are subject to a quarantine order; but (iii) in each case, for no longer than the period required to complete the necessary period of self-isolation or quarantine.

- v. Housing and accommodation for individuals receiving long-term, specialized medical care from a physician licensed or located in Connecticut and for accompanying family members.
 - vi. Housing, accommodation, and shelter when required by extenuating circumstances such as fire or casualty to ensure the care and safety of Connecticut residents and to accommodate other persons unable to return to their own homes due to flight cancellations, border closures, or other direct and material constraints on travel.
 - vii. Housing and accommodation to the extent necessary for workers engaged in providing or servicing or maintaining lodging for any of the purposes described above.
- c. **Other Purposes and Uses for Lodging Prohibited During State of Emergency.** Lodging offered, operated, or employed for purposes other than those listed in subsection (b) above shall not be permitted. Accordingly, the provision and occupancy of lodging for leisure, vacation, and other purposes may not continue. Operators of lodging may, however, continue to provide other, lodging-related services through remote means that do not require workers, customers, or the public to enter or appear at any brick-and-mortar lodging premises.
- d. **Existing Lodging Guests.** Persons occupying lodging as of April 2, 2020 may be permitted to remain in their current lodgings through the end of their originally scheduled stay. Lodging may not be extended except for one of the purposes listed in subsection (b) above or if the lodging in question is permissible under this order because it is for a period that exceeds 31 days.
- e. **Future Booked Lodging.** For the duration of the public health and civil preparedness emergency, unless earlier modified or terminated by me:
- i. persons with future reservations or bookings or agreements to occupy lodgings may not exercise those agreements and may not occupy those lodgings; and
 - ii. operators of lodgings may not provide lodging to persons with future reservations or bookings or agreements to occupy lodgings, unless in each case the lodgings are provided and occupied for one of the purposes listed in section 1 above or if the lodging in question is permissible under this order because it is for a period that exceeds 31 days.

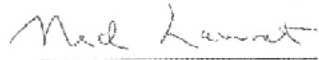
- iii. operators of lodgings shall make reasonable efforts to refund any deposits or other payments to persons who cannot exercise bookings or agreements as a result of this order.
2. **Further Clarification of Limits on Restaurants, Bars and Private Clubs.** Effective immediately, Executive Order No. 7G, which addressed sales of alcoholic beverages by certain licensees, is modified to additionally permit holders of the following alcoholic liquor permits to deliver directly to consumers any sealed alcoholic liquor under the same conditions as Executive Order No. 7G permitted for pick-up and off-premise consumption sales: Restaurant, Café, Tavern, Manufacturer Permit, Manufacturer Permit for Beer, Manufacturer Permit for Farm Winery, Manufacturer Permit for Farm Brewery, Manufacturer Permit for a Brew Pub, Manufacturer Permit for Beer and Brew Pub, Manufacturer Permit for a Farm Distillery. In addition, the holder of a Manufacturer Permit for Cider and a Manufacturer Permit for Apple Brandy and Eau-de-vie may be open for the sale of pick-up or delivery of alcoholic liquors as allowed under their permit types and consistent with the requirements set forth in Executive Order 7G for off-premise consumption sales by other manufacturers. The Commissioner of Consumer Protection may issue any implementing orders and guidance that she deems necessary to implement this order.
 3. **Suspension of Notarization Requirement Related to Connecticut Recovery Bridge Loan Program.** Section 4a-60(c)(2)(C) of the Connecticut General Statutes is modified to authorize the Commissioner of Economic and Community Development to accept, in place of a notarized affidavit certifying compliance with nondiscrimination laws, a Nondiscrimination Certification in a form prescribed by the Commissioner and signed under penalty of false statement, for the sole purpose of applications to the Connecticut Recovery Bridge Loan program for small businesses. Such modification shall apply only to the Connecticut Recovery Bridge Loan program.
 4. **Flexibility to Maintain Adequate Child Care Infrastructure.** The provisions of General Statutes Sections 10-16n through 10-16u, 10-266p, 10-266q, 10-262u, 10-505, 10-506, 10-509, 17b-749, 17b-749a, 17b-749c, 17b-749i, and 17b-749j; and Sections 17b-749-01 through 17b-749-23 of the Regulations of Connecticut State Agencies, and any associated regulations, rules, and policies regarding child care funding, are modified to authorize the Commissioner of Early Childhood to temporarily waive any requirements contained therein as she deems necessary to maintain a sufficient capacity of child care services or stabilize child care providers during this public health and civil preparedness emergency. The Commissioner may issue any order that she deems necessary to implement this order.
 5. **Suspension of Rehearing Rights for Temporary Rate Increases for Certain Healthcare Providers.** Section 17b-238(b) of the Connecticut General Statutes, to the extent that it authorizes specified institutions or agencies to request a rehearing on all items of grievance, is modified to suspend the right to rehearing only regarding the overall magnitude and methodology of temporary rate increases paid to facilities

in response to the COVID-19 pandemic. In all other respects, Section 17b-238(b) shall remain in full force and effect.

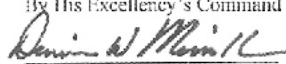
6. **Alternative to Affidavits Related to Orders of Protection and Relief.** The requirement in Sections 46b-15 and 46b-16a of the Connecticut General Statutes that an application for an order of protection and relief be accompanied by an affidavit made under oath that includes a statement of the specific facts that form the basis for relief is hereby modified to allow such statement of facts to be made under penalty of false statement pursuant to Section 53a-157b of the Connecticut General Statutes, in lieu of being made under oath, at the option of the applicant. In addition, any other provision of the Connecticut General Statutes that requires an application, affidavit or any other document or paper related to an order of protection and relief be made under oath are hereby modified to allow such application, affidavit, document or paper to be filed under the penalty of false statement pursuant to Section 53a-157b of the Connecticut General Statutes, in lieu of being made under oath, at the option of the applicant.

Unless otherwise specified herein, this order shall take effect immediately and shall remain in effect for the duration of the public health and civil preparedness emergency, unless earlier modified or terminated by me.

Dated at Hartford, Connecticut, this 2nd day of April, 2020.


Ned Lamont
Governor



By His Excellency's Command

Denise W. Merrill
Secretary of the State

STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 7MM

**PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC
AND RESPONSE – EXPEDITED APPROVAL AND PERMITTING FOR EXPANDED
OUTDOOR DINING**

WHEREAS, on March 10, 2020, I issued a declaration of public health and civil preparedness emergencies, proclaiming a state of emergency throughout the State of Connecticut as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and Connecticut; and

WHEREAS, pursuant to such declaration, I have issued thirty-nine (39) executive orders to suspend or modify statutes and to take other actions necessary to protect public health and safety and to mitigate the effects of the COVID-19 pandemic; and

WHEREAS, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, the World Health Organization has declared the COVID-19 outbreak a pandemic; and

WHEREAS, the risk of severe illness and death from COVID-19 is higher for individuals who are 60 or older and for those who have chronic health conditions; and

WHEREAS, to reduce the spread of COVID-19, the United States Centers for Disease Control and Prevention and the Connecticut Department of Public Health (DPIH) recommend implementation of community mitigation strategies to slow transmission of COVID-19, including cancellation of gatherings of ten people or more and social distancing in smaller gatherings; and

WHEREAS, public health experts have determined that it is possible to transmit COVID-19 even before a person shows symptoms and through aerosol transmission; and

WHEREAS, public health experts have determined that the risk of transmission of COVID-19 is reduced in outdoor areas, including where there is more sunlight, greater air movement, and greater space to maintain distance between people; and

WHEREAS, I intend to issue an executive order in the coming days providing for limited increased economic and recreational activity, including outdoor dining and outdoor retail, with conditions designed to protect the public health by reducing the risk of transmission of COVID-19; and

EXHIBIT G

WHEREAS, certain statutes, municipal ordinances, regulations, and procedures may prevent the timely implementation of protective measures to provide for safe resumption of economic activity, including some outdoor dining with liquor service and outdoor retail, which resumption is essential to sustaining compliance with and effectiveness of other efforts to respond to and mitigate the effects of COVID-19; and

WHEREAS, existing state and local laws and regulations governing outdoor liquor service currently require approvals by local authorities and the Department of Consumer Protection; and

WHEREAS, Executive Order Nos. 7G, and 7T, permitted certain liquor licensees to sell alcoholic liquor in connection with take-out and delivery of food, but did not permit private clubs to do the same; and

WHEREAS, many clubs, nonprofit clubs and golf country clubs offer food and are able to sell alcoholic liquor safely to their members in connection with take-out and delivery of food prepared on premises in a manner similar to what is permitted for the food establishments covered by Executive Order Nos. 7G and 7T;

NOW, THEREFORE, I, NED LAMONT, Governor of the State of Connecticut, by virtue of the authority vested in me by the Constitution and the laws of the State of Connecticut, do hereby **ORDER AND DIRECT**:

1. **Expedited Municipal Zoning Amendments.** In order to expedite changes to municipal laws, ordinances, or regulations and ensure greater flexibility for local governments to respond to COVID-19, Section 8-3b of the Connecticut General Statutes is suspended and modified to provide that, if a zoning administrator, chairperson of the zoning commission or planning and zoning commission, or chief elected official has made a finding that a proposal is necessary to respond to the COVID-19 pandemic, including but not limited to making changes to permit the Outdoor Activities described herein, such zoning administrator, chairperson, or chief elected official may place such proposal, or cause such proposal to be placed, on the public hearing agenda of a zoning commission or a planning and zoning commission, as applicable, and such commission shall conduct its public hearing and act on such proposal without being required to adhere to the requirements of Section 8-3b.
2. **Suspension and Modification of Certain Permitting and Approval Processes for Outdoor Activities.** In order to prevent the potential transmission of COVID-19 in commercial establishments while allowing commercial establishments to operate in a manner that promotes social distancing and complies with my executive orders or any order issued by an executive agency or municipal official pursuant to the public health and civil preparedness emergency declared on March 10, 2020, including but not limited to any rules or guidelines issued by the Department of Economic and Community Development for operation of businesses during such emergency, any provision of Connecticut General Statutes Chapters 14, 97a, 98, 124, 126, 242, or 541 and Section 22a-27j, or any special act, municipal charter, ordinance, resolution, or regulation that conflicts with this Order (all such state and municipal laws and

regulations being, collectively, the “Covered Laws”), is suspended and modified, as enumerated below, for the duration of this Order and as hereafter provided:

- a. **Expedited Municipal Review of Outdoor Dining and Retail.** Any Covered Law requiring an applicant to receive an approval or permit for outdoor food and beverage service, outdoor displays of goods, or COVID-19 Signage, which activities (other than COVID-19 Signage) end at 11 p.m. or earlier on Friday and Saturday nights and end at 9 p.m. or earlier all other days of the week (such activities being, the “Outdoor Activities”) is suspended to the extent that the Covered Law requires review and determination of any application for Outdoor Activities by a multi-member municipal agency or any by any entity other than an individual municipal official generally responsible for administrative enforcement of the relevant Covered Law, such as a zoning administrator or a building code official (such official and his or her designee being, the “Local Enforcement Official”), and modified to require all such reviews and determinations to be conducted only by the Local Enforcement Official.
 - i. “COVID-19 Signage” shall mean any outdoor, non-internally-illuminated, non-animated signage that is 15 square feet in size or smaller and contains directions, social distancing instructions, or other signage that might customarily be displayed within the building, including but not limited to menus or specials.
 - ii. “Outdoor Activities” shall not be deemed to include live entertainment, provided that nothing in this Order shall be deemed to prohibit an independent approval of live entertainment pursuant to local regulation.
- b. **Outdoor Dining and Retail Allowed During Emergency.** Any Covered Law that does not explicitly allow Outdoor Activities or that prohibits Outdoor Activities shall be deemed to allow such activities as an accessory use to any location where food or beverages are served or goods are sold, as applicable, subject to review and approval by the Local Enforcement Official and reasonable conditions imposed through Local Enforcement Official review, provided that nothing in this order shall require a municipality to permit the sale or service of alcoholic beverages as a principal or accessory use anywhere that such activity is not permitted as a principal or accessory use, and provided further that nothing in this Order shall permit the sale of alcoholic beverages for on-premise consumption independent of sale of food, or permit the operation of outdoor bars unless expressly permitted by further executive order or by rules or guidelines issued by the Department of Community and Economic Development pursuant to an executive order.
- c. **Minimum Parking Lifted to Facilitate Outdoor Activities.** Any Covered Law requiring a minimum number of parking spaces or prohibiting Outdoor Activities from taking place in parking lots is suspended to the extent required to permit such Outdoor Activities alone or in conjunction with any other authorized activity, including any activity required to enable the response to the COVID-19 pandemic.

Any Covered Law prohibiting Outdoor Activities from taking place in on-street parking spaces is modified to allow the Local Enforcement Official to permit this activity, consistent with the requirements of this Order.

- d. **Application Process.** Any Covered Law relating to applications for Outdoor Activities is suspended to the extent that it requires any of the following documents: plans stamped by a licensed engineer, landscape architect, or architect; site survey; parking plan; traffic study or plan; sign plan; soil erosion and sediment control plan; photometric lighting plan; or stormwater management plan; provided that the applicant has submitted, at a minimum, a drawing or illustration, roughly to scale or dimensioned and depicting with reasonable accuracy the outdoor area that is proposed to be used and what is proposed to be placed, built, or erected in the outdoor area, and a narrative (with or without accompanying illustrations) that explains any noise, waste management, odor, light pollution, and environmental impacts expected from same and how said impacts will be managed. Notwithstanding the preceding sentence, the Local Enforcement Official may require an applicant to submit additional and more detailed information that he or she reasonably deems necessary to protect public health, safety and the environment, in order to complete an application, taking into account the need for expedited review of such applications.
- e. **Approval and Conditions.** Notwithstanding any contrary Covered Law, the Local Enforcement Official shall review and approve, approve with conditions consistent with any executive orders or rules issued pursuant to executive orders (including extending the hours of operation), or reject any complete application for Outdoor Activities, and shall notify an applicant of such decision (including, but not limited to, emailed notice or certified mail) by the later of (i) ten days after actual receipt of the complete application, or (ii) ten calendar days after actual receipt of any additional materials required pursuant to the previous paragraph. Any failure of the Local Enforcement Official to act pursuant to the preceding sentence within such time period shall be deemed to be an approval of the application.
- f. **Appeals.** Notwithstanding any contrary Covered Law, if a Local Enforcement Official approves with conditions or rejects an application for an Outdoor Activity filed pursuant to this Order, the applicant may appeal such decision, within 7 days of receipt of notice of the decision (including, but not limited to, emailed notice or certified mail), to the planning and zoning commission or to the zoning commission, as applicable, but if the zoning commission is the town's legislative body, to the planning commission, provided that any Covered Law that would require a public hearing for such appeal is suspended. Nothing in this Order shall suspend or modify an individual's right to submit a complaint to the relevant municipal authority or the right of a municipal authority to enforce conditions associated with a permitted Outdoor Activity, impose fines and fees, or issue a notice of violation or a cease and desist order.

- g. **Shared Lots and Expanded Spaces.** Any Covered Law requiring Outdoor Activities to take place on the same lot, zoning lot, street face or yard as a principal use, or to take place only in certain yards, shall be modified to allow Outdoor Activities to take place on any nearby lot, zoning lot, street face, or yard, (contiguous or not), provided that written permission from the owner of any other lot or zoning lot on which such Outdoor Activity is proposed to take place is provided to the Local Enforcement Official and further provided that any nearby lot, zoning lot, or street face used for Outdoor Activities must include a commercial use or be located in a commercial zoning district.
- h. **Sidewalks and Non-Vehicular Rights of Way.** Any Covered Law prohibiting Outdoor Activities from taking place on public sidewalks or other nonvehicular public rights of way shall be suspended and modified to allow Outdoor Activities to take place therein, subject to a 6-foot clearance for pedestrian passage, and subject to reasonable conditions imposed by the municipal department with jurisdiction over sidewalk obstruction permits. Any Covered Laws prohibiting Outdoor Activities from taking place on a state highway right of way are modified to allow the State Department of Transportation (DOT) to issue a permit for such activities to take place in the non-vehicular portion of the state highway right of way pursuant to conditions imposed by the DOT.
- i. **Vehicular Rights of Way.** Any Covered Laws prohibiting Outdoor Activities from taking place on a local public road or vehicular right of way are modified to allow the municipal official with jurisdiction over local roads, after consulting with the municipality's Local Traffic Authority and, if that local road is used for public transportation routes, consulting with the DOT, to close the road in order to permit Outdoor Activities without additional public hearings. Closure of any part of the vehicular portion of a state highway right of way shall not be permitted without a request from the municipality to the DOT pursuant to the Regulations of Connecticut State Agencies §14-298-262 for a Special Event Permit, provided that such Outdoor Activities shall be included in the definition of "special event" and the DOT shall use its best efforts to expedite review of any such request in furtherance of the purposes of this Order. Any Covered Laws prohibiting special event permits for the closure of a state highway are modified to authorize the DOT to issue such permits to allow Outdoor Activities pursuant to this Order. The automatic approval provisions of subsection 1(c) of this order shall not apply to this subsection.
- j. **No Nonconformity Rights Bestowed.** Any Covered Law that would provide nonconforming use or structure rights to any activity or structure permitted during the state of emergency pursuant to this Section 2 of this Order is suspended.
- k. **No Application, Building or Related Fees.** The Covered Laws are suspended to the extent they impose fees for applications filed pursuant to this Order for Outdoor Activities, and no fees for such applications shall be collected or be due and owed to the State or to any municipality for the duration of the emergency.

3. **Liquor Service in Connection with Outdoor Dining.** Title 30 of the Connecticut General Statutes, including Sections 30-22(a) and 30-22a(a), and any corresponding regulations or practices such as the requirement to file a patio or extension of use permit with the Department of Consumer Protection, are modified to the extent they conflict with, or create additional requirements on, the sale of alcoholic liquor by a liquor licensee so long as such licensee is (i) in compliance with Section 2 of this order and any executive order permitting outdoor dining; (ii) any rules for outdoor dining, including social distancing requirements, issued by the Department of Economic and Community Development (DECD); and (iii) any town or municipal requirements related to outdoor dining and liquor sales, as amended by Section 2 of this order. A liquor licensee who serves alcoholic liquor shall not be required to obtain a patio or extension of use permit provided that the licensee shall serve only the types of alcoholic liquor allowed by their permit type and shall abide by the following conditions:
- a. The licensee must comply with all other laws and regulations under Title 30, including prohibitions on sales to minors or intoxicated persons and restrictions on the times such sales may occur.
 - b. Alcoholic liquor may be served only in connection with outdoor dining, which means food prepared on premises or at a food truck adjacent to the premises.
 - c. There shall be no consumer bars, and all alcoholic beverages shall be served tableside.
 - d. There shall be no live entertainment unless live entertainment was previously permitted in the outdoor space, or the licensee obtains permission pursuant to this order or underlying rules, and such entertainment complies with all other social distancing rules.
 - e. For Caterer licensees, outdoor service is permitted only at locations with on-premise permits for which the licensee is hired as a bona fide caterer.
 - f. For Clubs, outdoor dining is permitted only for members and their families and guests.
 - g. If a licensee is permitted by local authorities to provide outdoor dining in space outside their permitted premises, including public sidewalks, parking lots or space owned by an adjacent business, such space shall be deemed to be part of the permitted premises for the duration of this order and the licensee shall be responsible for any liquor violations in that area.
4. **Further Clarification of Limits on Private Clubs.** Effective immediately, Executive Order Nos. 7G and 7T, which addressed sales of alcoholic beverages by certain licensees, are modified to additionally permit holders of club, nonprofit club and golf country club permits to deliver food prepared on premises and sealed containers of

alcoholic liquor directly to consumers and to offer for the pick-up and off-premise consumption of any sealed containers of alcoholic liquor with food prepared on premises under the same conditions as the prior Executive Orders permitted for restaurants, except that such sales shall only be to their members.

Unless otherwise specified herein, this order shall take effect immediately and remain in effect for the duration of the public health and civil preparedness emergency, unless earlier modified, extended or terminated.

Dated at Hartford, Connecticut, this 12th day of May, 2020.



Ned Lamont
Governor



By His Excellency's Command



Denise W. Merrill
Secretary of the State